

ATTORNEY DOCKET NO: NAKAI-008US

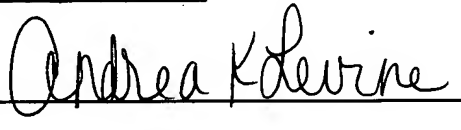
TITLE: COMBUSTION GAS EXTRACTION PROBE AND COMBUSTION GAS  
TREATMENT METHOD

**Certificate of Mailing under 37 CFR 1.8 or 37 CFR 1.10**

I hereby certify that this correspondence is being deposited with the  
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on February 27, 2007

  
(Signature)

Andrea K. Levine

(Typed name of person signing certificate)

Note: Each paper must have its own certificate of mailing, or this  
certificate must identify each submitted paper.

1. Certificate of Mailing;
2. Transmittal;
3. Fee Transmittal;
4. Reply to Notification of Missing Requirements (2 pages);
5. Copy of National Phase Transmittal (2 pages);
6. Notification of Missing Requirements (2 pages);
7. Declaration (2 pages);
8. Power of Attorney;
9. Statement Under 37 CFR;
10. A Check for \$630.00; and
11. Return Receipt Postcard

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)


Total Number of Pages in This Submission

Application Number	10/579,327
Filing Date	05/16/2006
First Named Inventor	Shinichiro Saito
Art Unit	Unknown
Examiner Name	Unknown
Attorney Docket Number	NAKAI-008US

**ENCLOSURES (Check all that apply)**


- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input checked="" type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input checked="" type="checkbox"/> Reply to Missing Parts/<br>Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts<br>under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a<br>Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board<br>of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC<br>(Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify<br>below):<br>Certificate of Mailing; and Return<br>Receipt Postcard |
| Remarks _____   |  |  |

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Stetina Brunda Garred & Brucker		
Signature			
Printed name	Mark B. Garred		
Date	2/27/07	Reg. No.	34,823

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Andrea K. Levine	Date	02/27/2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**FEE TRANSMITTAL  
For FY 2006**☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) \$630.00

**Complete if Known**

Application Number	10/579,327
Filing Date	05/16/2006
First Named Inventor	Shinichiro Saito
Examiner Name	Unknown
Art Unit	Unknown
Attorney Docket No.	NAKAI-008US

**METHOD OF PAYMENT (check all that apply)**

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 19-4330 Deposit Account Name: Stetina Brunda Garred & Brucker

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES****Fee Description**

	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

**Total Claims**      **Extra Claims**      **Fee (\$)**      **Fee Paid (\$)**

- 20 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

HP = highest number of total claims paid for, if greater than 20.

**Indep. Claims**      **Extra Claims**      **Fee (\$)**      **Fee Paid (\$)**

- 3 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

**Total Sheets**      **Extra Sheets**      **Number of each additional 50 or fraction thereof**      **Fee (\$)**      **Fee Paid (\$)**

\_\_\_\_\_ - 100 = \_\_\_\_\_ / 50 = \_\_\_\_\_ (round up to a whole number) x 0.00 = 0.00

**4. OTHER FEE(S)**

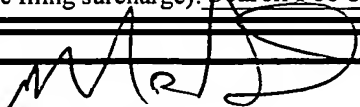
Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Search Fee of \$500 and \$130 Large entity surcharge

**Fees Paid (\$)**

\$630

**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent)	34,823	Telephone	949-855-1246
Name (Print/Type)	Mark B. Garred	Date	7/27/07		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants:	Shinichiro Saito	)	Confirmation No.	6868
		)		
Serial No.:	10/579,327	)	Art Unit:	Unknown
		)		
Filed:	05/16/2006	)	Examiner:	Unknown
		)		
For:	Combustion Gas Extraction Probe and	)		
	Combustion Gas Treatment Method	)		

**REPLY TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C.**  
**§371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE**

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir/Madam:

Applicant hereby replies to the Notification of Missing Requirements rendered in relation to the present application on February 21, 2007. In this Notice, the Office indicated that the Declaration that was submitted with the initial filing of the patent application was unsigned. A signed Declaration, Power of Attorney and Statement Under 37 C.F.R. Section 3.73(b) are enclosed herewith.

Importantly, the Notification of Missing Requirements incorrectly states that Applicant is a small entity when in fact, Applicant is a large entity. The small entity box on the National Phase Application Transmittal (submitted with the present application on May 16, 2006) remains unchecked by Applicant, clearly indicating that Applicant is not a small entity. However, after closely reviewing said transmittal, it appears as though Applicant failed to include the required \$500.00 search fee as part of the total fees due at the time the present application was filed. Accordingly, accompanying this Response is the required copy of the Notice as well as the required large entity surcharge of \$130.00 and the previously unpaid \$500.00 search fee.

Application No.: 10/579,327  
Attorney Docket: NAKAI-008US

If any additional fee is required, please charge Deposit Account Number 19-4330.

Date: 2/27/07

Customer No.: 007663

Respectfully submitted,

By: 

Mark B. Garred

Registration No. 34,823

STETINA BRUNDA GARRED & BRUCKER

75 Enterprise, Suite 250

Aliso Viejo, California 92656

Telephone: (949) 855-1246

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/579,327	Shinichiro Saito	NAKAI-008US

INTERNATIONAL APPLICATION NO.
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PCT/JP04/16991

I.A. FILING DATE	PRIORITY DATE
------------------	---------------

11/16/2004

11/18/2003

7663

STETINA BRUNDA GARRED & BRUCKER  
 75 ENTERPRISE, SUITE 250  
 ALISO VIEJO, CA 92656

CONFIRMATION NO. 6568

371 FORMALITIES LETTER



\*OC000000022555157\*

Date Mailed: 02/21/2007

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 05/16/2006
- Copy of IPE Report filed on 05/16/2006
- Preliminary Amendments filed on 05/16/2006
- Oath or Declaration filed on 05/16/2006
- Small Entity Statement filed on 05/16/2006
- Request for Immediate Examination filed on 05/16/2006
- U.S. Basic National Fees filed on 05/16/2006
- Priority Documents filed on 05/16/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

LAMONT M HUNTER

Telephone: (703) 308-9140 EXT 201

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/579,327	PCT/JP04/16991	NAKAI-008US

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER <b>NAKAI-008US</b>
INTERNATIONAL APPLICATION NO. <b>PCT/JP2004/016991</b>	INTERNATIONAL FILING DATE <b>11/16/2004</b>	U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <b>102579327</b> PRIORITY DATE CLAIMED <b>11/18/2003</b>
TITLE OF INVENTION <b>COMBUSTION GAS EXTRACTION PROBE AND COMBUSTION GAS TREATMENT METHOD</b>		
APPLICANT(S) FOR DO/EO/US <b>Shinichiro Saito, et al.</b>		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

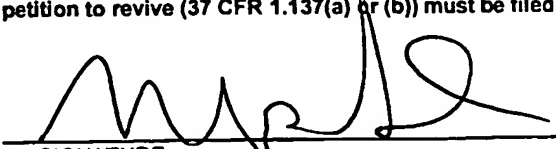
1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☒ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☒ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☒ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☒ A substitute specification.
16. ☒ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☐ Other items or information:



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U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>104529327</b> UNKNOWN		INTERNATIONAL APPLICATION NO. PCT/JP2004/016991		ATTORNEY'S DOCKET NUMBER NAKAI-008US									
21. The following fees are submitted: <input checked="" type="checkbox"/> a) Basic national fee..... \$300.00 <input checked="" type="checkbox"/> b) Examination fee..... \$200.00 <input type="checkbox"/> c) Search fee..... \$500.00  <b>TOTAL OF ABOVE CALCULATIONS = \$1000.00</b>				<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:50%;">Applicant use</th> <th style="width:50%;">Office use only</th> </tr> <tr> <td>\$ 300</td> <td></td> </tr> <tr> <td>\$ 200</td> <td></td> </tr> <tr> <td>\$ 500</td> <td></td> </tr> </table>		Applicant use	Office use only	\$ 300		\$ 200		\$ 500	
Applicant use	Office use only												
\$ 300													
\$ 200													
\$ 500													
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.													
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE										
- 100 =	/50 =		x \$250.00										
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$ 0.00									
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE										
Total claims	- 20 =		x \$50.00										
Independent claims	- 3 =		x \$200.00										
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$360.00									
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ 860									
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$ 860									
<b>SUBTOTAL =</b>				\$ 860									
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$									
<b>TOTAL NATIONAL FEE =</b>				\$ 860									
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$ 0.00									
<b>TOTAL FEES ENCLOSED =</b>				\$ 0.00									
Amount to be refunded:				\$									
Amount to be charged				\$									
a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>860</u> to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>19-4330</u> . A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.													
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.													
SEND ALL CORRESPONDENCE TO: Customer No. 0007663 STETINA BRUNDA GARRED & BRUCKER 75 Enterprise, Suite 250 Aliso Viejo, CA 92656													
SIGNATURE  Mark B. Garred NAME				34,823 REGISTRATION NUMBER									